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(SPACE BELOW FOR FILING STAMP ONLY)

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8                   **KEITH G. WILEMAN, State Bar No. 111225**  
9                   **XIAOYI YAO, State Bar No. 261290**  
10                  Attorneys for Defendant, **WILLIAM FIKHMAN**

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12                  **UNITED STATES DISTRICT COURT**  
13                  **CENTRAL DISTRICT OF CALIFORNIA**

14                  VIVO PER LEI, INC., a NEVADA      }

15                  corporation                                    }

16                  Plaintiff,                                 }

17                  vs.    }

18                  GADI BRUCHIM, an individual,      }

19                  WILLIAM FIKHMAN, an                    }

20                  individual, AMAZON.COM, INC., a      }

21                  Delaware Corporation, and Does 1-      }

22                  10, inclusive                                 }

23                  Defendants.                                }

24                  **CASE NO. CV11-05169GW(JCGx)**

25                  **DEFENDANT WILLIAM FIKHMAN'S**  
26                  **OBJECTION TO PLAINTIFF'S**  
27                  **SUR-REPLY IN SUPPORT OF**  
28                  **OPPOSITION TO PARTIAL MOTION**  
                        **TO DISMISS PLAINTIFF'S THIRD**  
                        **AMENDED COMPLAINT**

**DATE : January 23, 2012**  
                        **TIME : 8:30 a.m.**  
                        **DEPT :"10"**

**COMPLAINT FILED : 06/21/2011**  
                        **TRIAL DATE : NONE SET**

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30                  **TO THE COURT:**

31                  On January 17, 2012, Plaintiff VIVO PER LEI, INC. ("Vivo") filed a sur-reply  
32                  (Doc. #51) in support of its opposition to the partial motion to dismiss the third  
33                  amended complaint of Defendant WILLIAM FIKHMAN ("Fikhman"). Under Local  
34                  Rule 7-10, "Absent prior written order of the Court, the opposing party shall not file a  
35                  response to the reply." Vivo did not obtain a prior written order of the Court.  
36                  Fikhman therefore asks that Vivo's sur-reply (Doc. #51) be disregarded.

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1 DATED: January 18, 2012

Respectfully submitted,

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**VEATCH CARLSON, LLP**

5 By: /s/Xiaoyi Yao  
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KEITH G. WILEMAN  
XIAOYI YAO  
Attorneys for Defendant  
WILLIAM FIKHMAN

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## **CERTIFICATE OF SERVICE**

I hereby certify the following: I am over the age of 18 years and am not a party to the above-captioned action. I am a registered user of the CM/ECF system for the United States District Court for the Central District of California.

On January 18, 2012, I electronically filed the foregoing **DEFENDANT WILLIAM FIKHMAN'S OBJECTION TO PLAINTIFF'S SUR-REPLY IN SUPPORT OF OPPOSITION TO PARTIAL MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system. To the best of my knowledge, all counsel to be served in this action is registered CM/ECF users and will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Xiaoyi Yao  
XIAOYI YAO, 261290